

Probate Notes for December 3, 2014

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. Unless an appearance at the hearing is otherwise required by law, if petitioner submits a proposed order prior to the hearing and the recommendation is to grant the petition, no appearance is necessary. If you are scheduled to appear and there is no probate note issued in your case, you should appear as scheduled. If you wish to continue a matter, you must contact the civil division at (530) 406-6704, at least two (2) court days before your hearing.

Please note: The following probate matters will be heard in **Department Two at 9:00 a.m.**

CASE: Conservatorship of Bunfill
Case No. CV PC 13-172

The Court notes the following deficiencies:

1. The conservators failed to file an inventory and appraisal of the estate as required. (Prob. Code, § 2610.)
2. The conservators failed to file an accounting that complies with the requirements of Probate Code sections 2620 and 1061-1063.
3. The conservators failed to file a report of administration required by Probate Code section 1064.

CASE: Conservatorship of Derylo
Case No. CV PC 07-209

The Court notes the following deficiency: The conservator failed to file the required accounting as ordered by the Court on December 5, 2012 and October 23, 2014. (Prob. Code, § 2620.) Due to the death of the conservatee on October 17, 2014, the conservator is directed to file a final accounting which shall include an accounting for the period that ended on the date of death and a separate accounting for the period subsequent to the date of death. (Prob. Code, § 2620, subd. (b).)

CASE: Estate of Fernandez
Case No. CV PB 14-182

It is recommended to deny Arthur Fernandez's petition for letters of administration. Petitioner fails to file proof of publication as required. (Prob. Code, § 8120 et seq.) Further, petitioner concedes there are no assets in the estate and he fails to establish that an equitable claim to the real property located at 725 6th Street in Woodland, exists. (*In re Daughaday's Estate* (1914) 168. Cal. 63; *Estate of Muller* (1969) 2 Cal. App. 3d. 259.)

CASE: In the Matter of the Elizabeth Polivka Special Needs Trust
Case No. CV P2 11-134

It is recommended to approve the verified second account and report of trustee. It is further recommended to approve attorney's fees in the amount of \$1,942.50 for services rendered and

costs of \$20.00. The Court declines to award attorney's fees in the amount of \$875.00 for time not yet incurred.

Petitioner is directed to submit a proposed order prior to the date of the hearing.